

Applicants note that the claims of Group III directly depend from the claims of Group II, which in turn directly depend from the claims of Group I. Accordingly it is improper to separate these groups.

The Office has characterized the inventions of Groups I, II, and III as unrelated. Citing MPEP §806.04 and MPEP §808.01, the Office concludes that the “polypeptide of invention II or the polynucleotide of invention III are neither used nor made by the method of Invention I.” However, the Office has not provided sufficient reasons and/or examples to support this assertion. The Office has merely stated the conclusion. Moreover, the claims of Group III directly depend from the claims of Group II, which in turn directly depend from the claims of Group I. Accordingly, the Office has failed to meet the burden necessary in order to sustain the Restriction Requirement. Accordingly, Applicants respectfully submit that the Restriction Requirement should be withdrawn.

Further, MPEP §803 states as follows:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on its merits, even though it includes claims to distinct or independent inventions.

Applicants submit that a search of all claims would not constitute a serious burden on the Office.

For the reasons set forth above, Applicants contend that the Restriction Requirement is improper and should be withdrawn.

Applicants respectfully submit that the above-identified application is now in condition for examination on the merits, and early notice of such action is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



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Norman F. Oblon  
Attorney of Record  
Registration No.: 24,618

Vincent K. Shier, Ph.D.  
Registration No.: 50,552



**22850**

PHONE NO.: (703) 413-3000  
FAX NO.: (703) 413-2220  
NFO:VKS  
I:\atty\VKS\210383US0-RR resp.wpd